

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

**PAUL DAVID SMITH,** )  
                                )  
                                )  
**Plaintiff,**                 )      **No. 2:11-cv-00093**  
                                )  
                                )  
**v.**                             )      **Judge Sharp**  
                                   )      **Magistrate Judge Bryant**  
**ORECK MANUFACTURING**     )  
**COMPANY, et al.,**             )  
                                )  
**Defendants.**                 )

**ORDER**

Plaintiff, *pro se*, has filed a Complaint against Defendants Oreck Manufacturing Company, Vecteur, LLC, Diane Johnson, and Robert Sells, wherein he alleges violations under Title VII, the Family and Medical Leave Act, and the Americans with Disabilities Act Amendments Act. Because Plaintiff has failed to prosecute this case, the Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket Entry No. 27) recommending that *Defendants’ Motion to Dismiss for Failure to Prosecute* be granted and that the Complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Plaintiff has filed no objections to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). The Court has thoroughly reviewed the record in this case and the applicable law and concludes that the Magistrate Judge was correct in recommending that the unopposed *Motion to Dismiss for Failure to Prosecute* filed on behalf of Defendants (Docket Entry No. 23) be granted.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 27) is hereby ACCEPTED and APPROVED;

(2) Defendants' *Motion to Dismiss for Failure to Prosecute* (Docket Entry No. 23) is hereby GRANTED;

(3) Plaintiff's claims are hereby DISMISSED WITH PREJUDICE;

(4) Defendants' *Motion for Judgment on the Pleadings* (Docket Entry No. 12) is hereby DENIED AS MOOT; and

(5) Defendants' *Motion to Ascertain Status of Defendants' Motion for Judgment on the Pleadings* is hereby DENIED AS MOOT (Docket Entry No. 22).

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE